

Commission on Judicial Fitness and Disability (CJFD)

	2013-15 Actual	2015-17 Legislatively Approved*	2017-19 Current Service Level	2017-19 Governor's Budget
General Fund	196,415	405,898	254,889	244,948
Total Funds	196,415	405,898	254,889	244,948
Positions	1	1	1	1
FTE	0.50	0.50	0.50	0.63

* Includes Emergency Board and administrative actions through December 2016.

Program Description

The Commission on Judicial Fitness and Disability is an agency of the Judicial Branch of government that investigates and acts upon complaints of judicial misconduct or disability. The basis for a finding of misconduct is a violation of the Oregon Code of Judicial Conduct. The Commission employs one individual, a half-time Executive Director. The budget is fully supported by General Fund.

The Commission's workload is variable, and depends upon the number of complaints it receives, and upon the number and complexity of any investigations and prosecutions that it initiates in response to those complaints. The Commission receives two General Fund appropriations to fund its activities. The Administration appropriation supports regular and ongoing costs, including the initial reviews of the complaints. Approximately 68.6% of Administration appropriation is used to compensate the Commission's sole, half-time employee. The remainder is used for the services & supply costs of operating the office, and for reimbursing commissioners for travel expenses.

The Commission receives a second appropriation for Extraordinary Expenses. This appropriation finances the costs of investigating and prosecuting cases, when the Commission determines that a complaint merits such action. These associated expenses are primarily for attorney and other legal fees, and for other investigative costs.

Additional details on the agency and its budget are available in the Legislative Fiscal Office's 2015-17 Legislatively Adopted Budget Detailed Analysis, which can be accessed at: <https://www.oregonlegislature.gov/lfo/Documents/2015-17%20LAB%20Detailed%20Analysis.pdf>.

CSL Summary and Issues

During the current biennium, the Commission has incurred extraordinary expenses related to two complaints that it investigated. During the 2016 session, the Legislature added \$172,000 of General Fund for extraordinary expenses, to address the costs of investigating and prosecuting these complaints. The additional funding was approved on a one-time basis, and is phased-out in the agency's 2017-19 current service level budget. The current service level does, however, include base support of \$18,226 for extraordinary expenses, an amount based

on the amount appropriated for Extraordinary Expenses in the agency's 2015-17 biennium legislatively adopted budget, prior to the addition of the one-time funds.

Following the 2016 Session, the Commission increased the Executive Director's salary by a total of 16.9%. The agency's 2015-17 biennium legislatively approved budget did not include additional funding for these salary increases. The agency covered the 2015-17 biennium cost of these increases within its previously approved budget. The 2017-19 biennium current service level includes an increase of approximately \$21,300, however, to finance the ongoing cost of the salary increases in the 2017-19 biennium.

Other Significant Issues and Current Discussions

The Commission employs a half-time Executive Director (0.50 FTE). The agency budget includes a package request for \$33,635 General Fund, to expand the position to (0.63 FTE), to reflect the actual position workload and the number of work hours required. This package would increase the position's compensation by 25%. The agency budget also includes a request for an additional \$6,300 General Fund to fund limited investigations of complaints that do not progress to a full investigation or prosecution.

The Joint Ways and Means Committee Co-Chairs' 2017-19 Existing Resources Budget Framework includes a 3.5% reduction from current service level for the Judicial Branch of government. A 3.5% reduction applied to the Commission of Judicial Fitness and Disability budget would be equal to approximately \$8,950 General Fund.